



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application Number</i>	10/050,593
	<i>Filing Date</i>	January 16, 2002
	<i>First Named Inventor</i>	Charles A. KING
	<i>Group Art Unit</i>	1636
	<i>Examiner Name</i>	D. Lambertson
	<i>Attorney Docket Number</i>	N1375-002

Title of the Invention: **Herbicide Resistant Dinitrogen Fixing Bacteria
and Method of Use**

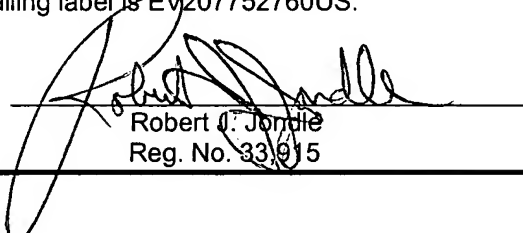
RECEIVED

NOV 18 2003

TECH CENTER 1600/2900

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on this 13th day of November 2003. The number of the Express Mail mailing label is EV207752760US.


Robert J. Jondle
Reg. No. 33,915

AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

DEC 12 2003

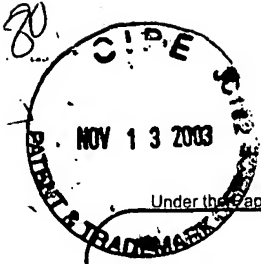
GROUP 3600

Sir:

In response to the Final Office Action mailed May 13, 2003, please enter the amendments contained on the following pages, which are summarized below.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begins on page 8 of this paper.



11-14-03

RCE/1660
#5

PTO/SB/30 (09-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/050,793
Filing Date	January 16, 2002
First Named Inventor	Charles A. KING
Art Unit	1636
Examiner Name	D. Lambertson
Attorney Docket Number	N1375-002

RECEIVED
NOV 18 2003
TECH CENTER 1600/2900

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other 3-month extension of time

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-2368

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other Shortage or overage of fees

b. ☒ Check in the amount of \$ 860.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

RECEIVED
DEC 12 2003
GROUP 3600

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Robert J. Jondle	Registration No. (Attorney/Agent)	33916
Signature		Date	November 13, 2003

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Name (Print/Type)	Robert J. Jondle	Date	November 13, 2003
Signature		Date	November 13, 2003

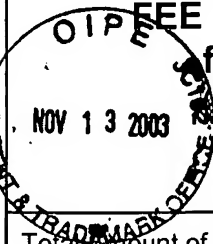
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/17/2003 AWONDAF1 00000073 10050693

01 FC:2801

385.00 OP

		Complete if Known	
		Application Number	10/050,593
		Filing Date	January 16, 2002
		First Named Inventor	Charles A. KING
		Examiner Name	D. Lambertson
Group Art Unit		1636	
Total Amount of Payment	(\$860.00)	Attorney Docket Number	N1375-002

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 50-2368 in the name of Jondle & Associates P.C.
- ☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
2. ☒ Payment Enclosed:
- ☒ Check
- ☐ Credit Card

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
2001	385	Utility filing fee	[]
2002	170	Design Filing Fee	[]
2003	265	Plant Filing Fee	[]
2004	385	Reissue Filing Fee	[]
2005	80	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

Total Claims	Extra Claims	Fee	Fee Paid
[] - 20** = [] x		\$ 9 = []	
Claims [] - 3** = [] x		43 = []	
Multiple Dependent Claims +		145 = []	

**or number previously paid, if greater;

SUBTOTAL \$

FEE CALCULATION (continued)


3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description
2051	65	Surcharge - late filing fee or oath
2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	Non-English specification
1812	2,520	For filing a request for reexamination
1804	920	Requesting publication of SIR prior to Examiner action
1805	1,840*	Requesting publication of SIR after Examiner action
2251	55	Extension for reply within first month
2252	210	Extension for reply within second month
2253	475	Extension for reply within third month
2254	740	Extension for reply within fourth month
2255	1,005	Extension for reply within fifth month
2401	165	Notice of Appeal
2402	165	Filing a brief in support of an appeal
2403	145	Request for Oral Hearing
1451	1,510	Petition to institute a public use proceeding
2452	55	Petition to revive -unavoidable
2453	665	Petition to revive - unintentional
2501	665	Utility issue fee (or reissue)
2502	240	Design issue fee
2503	320	Plant issue fee
1460	130	Petitions to the Commissioner
1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	Submission of Information Disclosure Statement
8021	40	Recording each patent assignment per property (times number of properties)
2809	385	Filing a submission after final rejection (37 CFR .129(a))
2810	385	For each additional invention to be examined (37 CFR 1.129(b))
2801	385	Request for Continued Examination (RCE)
1802	900	Request for expedited examination of a design application
1504	300	Publication fee for early, voluntary, or normal publication
1505	300	Publication fee for republication
1455	200	Filing an application for patent term adjustment
1456	400	Request for reinstatement of term reduced
		Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL

\$860

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Robert J. Jondle, Reg. No. 33,915		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
	November 13, 2003		